

**REMARKS**

Applicant concurrently files herewith an Excess Claim Fee Payment Letter for one (1) excess independent claim and one (1) excess total claim.

Prior to entry of this Amendment, claims 1 and 3-11 were pending in this application. By this Amendment, Applicant amends claims 1, 5-7, and 11 to more particularly define the invention, and adds new claims 12-22 to claim additional features of the invention. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1, 5-7, and 11, and new claims 12-22. No new matter has been introduced.

Claims 1 and 3-22 are currently pending in this application. Claims 1, 5-7, and 11 are the sole independent claims.

It is noted that the claim amendments are made and new claims are presented only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability.

Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

On pages 2-5 of the Office Action, claims 1 and 3-10 stand provisionally rejected as being unpatentable in view of claims 1-7 of co-pending U.S. Patent Application No. 10/528,101 on the ground of obviousness-type double patenting and claims 1 and 3-10 stand provisionally rejected as being unpatentable in view of claims 1-5 of co-pending U.S. Patent Application No. 10/528,102 on the ground of obviousness-type double patenting. Claims 1 and 3-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,824,463 B1 to Yamaguchi et al. (“Yamaguchi”).

Applicant notes that claim 11 is not subject to any rejections and is therefore

presumably allowable.

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

The claimed invention, as set forth in independent claim 1, is directed to a gaming machine. The gaming machine includes a cabinet having a face portion on which a lottery ball rolls and a plurality of lottery holes provided on the face portion, game result determination means for determining a game result on a basis of each of the plurality of holes receiving a lottery ball under a condition that the lottery ball enters any one of the plurality of lottery holes, lottery ball throwing means for throwing a plurality of lottery balls onto the face portion of the cabinet, lottery ball rolling direction selection means for selecting a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion of the cabinet, ball entrance detecting means for detecting whether all the plurality of lottery balls having been thrown onto the face portion of the cabinet by the lottery ball throwing means enter any of the plurality of lottery holes, and lottery ball discharging means for discharging the plurality of lottery balls having entered any of the plurality of lottery holes. The lottery ball discharging means has a function to discharge all the plurality of lottery balls after a predetermined period of time elapses when the ball entrance detecting means detects that all the plurality of lottery balls having been thrown by the lottery ball throwing means enter any of the plurality of respective lottery holes.

The claimed invention, as set forth in independent claim 5, is directed to a gaming machine being provided with a face portion on which a lottery ball rolls. The gaming machine also includes a plurality of lottery holes provided on the face portion such that the plurality of lottery balls can enter any of the plurality of lottery holes, a lottery ball rolling

direction selection portion configured to select a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion, a sensor for detecting entrance of the plurality of lottery balls to any of the plurality of lottery holes, and a shutter for holding the plurality of lottery balls in the plurality of lottery holes which the plurality of lottery balls have entered. A game result is determined on a basis of the lottery holes which the lottery balls enter. The shutter is opened to discharge the lottery balls having entered the lottery holes from the lottery holes.

The claimed invention, as set forth in independent claim 6, is directed to a gaming machine being provided with a face portion on which a lottery ball rolls. The gaming machine includes a plurality of lottery holes provided on the face portion such that a plurality of lottery balls can enter any of the plurality of lottery holes, a lottery ball rolling direction selection portion configured to select a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion, a sensor for detecting entrance of the lottery ball to any one of the plurality of lottery holes, and shutters for holding the plurality of lottery balls in the plurality of lottery holes which the plurality of lottery balls have entered. A game result is determined on a basis of a combination of a plurality of lottery holes which the plurality of lottery balls enter. The shutters are opened to discharge the plurality of lottery balls having entered from the plurality of lottery holes.

The claimed invention, as set forth in independent claim 7, is directed to a program for controlling a gaming machine. The program includes a cabinet being composed of a face portion on which a lottery ball rolls and a plurality of lottery holes provided on the face portion, game result determination means for determining a game result on a basis of each of the plurality of lottery holes which a lottery ball enters under a condition that the lottery ball enters any one of the plurality of lottery holes, lottery ball throwing means for throwing a

plurality of lottery balls onto the face portion of the cabinet, lottery ball rolling direction selection means for selecting a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion of the cabinet, ball entrance detecting means for detecting whether all the plurality of lottery balls having been thrown onto the face portion of the cabinet by the lottery ball throwing means enter any of the plurality of lottery holes, and lottery ball discharging means for discharging the plurality of lottery balls having been thrown by the lottery ball throwing means and having entered any of the plurality of lottery holes. The program makes the gaming machine execute the step that the lottery ball discharging means discharges all the plurality of lottery balls having been thrown by the lottery ball throwing means after a predetermined period of time elapses when it is detected by the ball entrance detecting means that the plurality of lottery balls having been thrown by the lottery ball throwing means enter the plurality of respective lottery holes.

The claimed invention, as set forth in independent claim 11, is directed to a gaming machine. The gaming machine includes a cabinet having a face portion on which a lottery ball rolls and a plurality of lottery holes provided on the face portion, game result determination means for determining a game result on a basis of each of the plurality of holes receiving a lottery ball under a condition that the lottery ball enters any one of the plurality of lottery holes, lottery ball throwing means for throwing a plurality of lottery balls onto the face portion of the cabinet, ball entrance detecting means for detecting whether all the plurality of lottery balls having been thrown onto the face portion of the cabinet by the lottery ball throwing means enter any of the plurality of lottery holes, and lottery ball discharging means for discharging the plurality of lottery balls having entered any of the plurality of lottery holes. The lottery ball discharging means has a function to discharge all the plurality of lottery balls after a predetermined period of time elapses when the ball entrance detecting

means detects that all the plurality of lottery balls having been thrown by the lottery ball throwing means enter any of the plurality of respective lottery holes. The lottery ball discharging means has a function to discharge none of the plurality of lottery balls after the predetermined period of time elapses when the ball entrance detecting means detects that not all the plurality of lottery balls having been thrown by the lottery ball throwing means enter any of the plurality of respective lottery holes.

## **II. DOUBLE PATENTING REJECTION**

On pages 2-5 of the Office Action, claims 1 and 3-10 stand provisionally rejected as being unpatentable in view of claims 1-7 of co-pending U.S. Patent Application No. 10/528,101 and claims 1-5 of co-pending U.S. Patent Application No. 10/528,102 on the ground of obviousness-type double patenting. However, nowhere do claims 1-7 of U.S. Patent Application No. 10/528,101 or claims 1-5 of co-pending U.S. Patent Application No. 10/528,102 disclose or suggest, for example, a gaming machine including, among other aspects, *“lottery ball rolling direction selection means for selecting a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion of the cabinet.”*

Independent claims 5, 6, and 7 recite corresponding aspects where similar arguments may be applied.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

## **III. THE PRIOR ART REJECTION**

On pages 4-5 of the Office Action, claims 1 and 3-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yamaguchi.

As an initial matter, Applicant notes that Yamaguchi was published on November 30, 2004, after the PCT filing date of this application of September 8, 2003. Accordingly, Applicant asserts that any rejection would be under 35 U.S.C. § 102(e).

Moreover, Applicant notes that pending claim 11 was not rejected over Yamaguchi. Accordingly, as Applicant has rewritten claim 11 into independent form, Applicant asserts that independent claim 11 is now in *prima facie* condition for allowance.

Yamaguchi does not disclose or suggest the claimed invention. For example, independent claim 1 recites a gaming machine including, among other aspects, “*lottery ball rolling direction selection means for selecting a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion of the cabinet.*” Yamaguchi does not disclose at least this aspect of independent claim 1 either alone or in combination with the other aspects of independent claim 1. Independent claims 5, 6, and 7 recite similar aspects, and thus the following arguments are similarly applicable.

Yamaguchi discloses a number drawing apparatus 10 with a rotating unit 11 having a surface for rolling balls B. Supply unit 12 supplies balls, using air pressure or an elevating mechanism, to rotating unit 11 one-by-one from the supply hole 121 of rotating unit 11 during rotation of the surface. After rolling over outlet surface 122 and down inclined surface 122, rolling balls B make their way to ball-catching mechanism 4. In this way, Yamaguchi discloses that “[t]his allows the ball B to roll in a random direction under uniform conditions.” (Fig. 3; col. 3, line 66 through col. 4, line 56).

Nowhere does Yamaguchi disclose or suggest “*lottery ball rolling direction selection means for selecting a rolling direction of the plurality of lottery balls relative to a rotational direction of the face portion of the cabinet*” as set forth in independent claim 1. As rolling balls B in Yamaguchi are simply ejected from supply hole 121 and roll randomly radially

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outward toward ball-catching mechanism 4, there is no rolling direction selected, at the very least not relative to the rotational direction of rotating unit 11. Similar arguments may be applied with regard to independent claims 5, 6, and 7.

Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the Section 102(e) rejection based on Yamaguchi.

#### **IV. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1 and 3-22, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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